

**ARTICLE XIV.  
ESCORTS, ESCORT ASSISTANTS AND ESCORT BUREAUS  
DRAFT 2-14-13**

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**Sec. 16-452. Findings and purpose.**

(a) The council finds that escort businesses may and do generate secondary effects which are detrimental to the public health, safety, and welfare. Among these secondary effects are (1) prostitution and other sex related offenses, (2) drug use and dealing, (3) health risks through the spread of AIDS and other sexually transmitted diseases, (4) assault of patrons and theft of patrons' money and possessions, and (5) infiltration by organized crime participating in drug and sex related business activities, laundering of money and other illicit conduct.

(b) The purposes of this article are to regulate escorts, escort assistants and escort bureaus, to inhibit prostitution, protect escort patrons and preserve the general peace, health and welfare of the community.

**Sec. 16-453. Definitions.**

Unless the context otherwise requires, the following words shall have the following meanings:

*Control* means the power to direct or cause the direction of the management and policies of an applicant, licensee or controlling person, in any way. Control is presumed to exist:

(1) In a privately-held corporation, if a person has the direct or indirect ownership of or power to vote ten (10) percent or more of the outstanding voting securities of the applicant, licensee or controlling person, or to control in any manner the election of one or more of the directors of the applicant, licensee or controlling person. To determine the percentage of voting securities owned, controlled or held by a person, there shall be added the voting securities of any other person controlled by (i) that person, or (ii) by an officer, partner, employee or representative of that person or (iii) by a spouse, parent or child of that person.

(2) In a publicly-held corporation, in an on-site manager who directs the daily operation of the massage facility, and every additional manager at the same location to whom the on-site manager reports, whether or not the on-site manager or additional manager(s) has any ownership interest in the massage facility.

(3) In a partnership, if the general partner or a limited partner holds ten (10) percent or more of the voting rights of the partnership.

(4) In a limited liability company, if a member holds ten (10) percent or more of the voting rights of the company.

(5) If a creditor of the applicant, licensee or controlling person holds a beneficial interest in ten (10) percent or more of the liabilities of the applicant, licensee or controlling person.

(6) In an on-site manager of a massage facility who directs the daily operation of the massage facility, whether or not the on-site manager has any ownership interest in the massage facility.

*Controlling person* means a person directly or indirectly possessing control of an applicant, or licensee.

*Escort* means any person who is hired, or offered for hire, to accompany one or more other persons to social, business or entertainment gatherings, public or private, for compensation of any kind. A person is an escort even if other services are provided to the patron, if such services are merely incidental to the escort services.

*Escort assistant* means any person who assists an escort in the escort's services, including a person who drives an escort, provides scheduling or referral services, provides security services, offers or furnishes an escort, or introduces patrons to escorts.

*Escort bureau* means a business to refer or furnish, for compensation of any kind, escorts to patrons, or patrons to escorts. An escort bureau includes an introductory service.

*Introductory service* means a business providing acquaintances or companionship, for compensation of any kind, by (1) introducing patrons to other patrons, and/or (2) providing patrons with information about other patrons.

*Patron* means any person who contracts with, or employs, an escort, escort assistant, escort bureau or introductory service for compensation of any kind.

*Sexual services* means sexual intercourse, oral-genital contact, and touching any person's genitals or buttocks, or the breast of a female person, to arouse or gratify sexual desire.

#### **Sec. 16-454. Permits required.**

A person who acts as an escort or escort assistant in the city shall first obtain and maintain in effect an escort permit or escort assistant permit in conformance with this article.

#### **Sec. 16-455. Applicability of regulations to existing escorts and escort assistants.**

This article is applicable to all escorts and escort assistants whether or not they were acting as escorts or escort assistants before the effective date of this article. All escorts and escort assistants shall have sixty (60) days from the effective date of this article to comply with this article.

#### **Sec. 16-456. Permits generally; minimum requirements.**

(a) The permits required by this article are in addition to any other applicable licenses or permits required by the city, county or state. Escorts and escort assistants permitted under this article shall comply with all other applicable ordinances and laws, including the city zoning ordinance.

(b) All permits issued under this article shall be for a period of one (1) year after the issuance date, but may be revoked or renewed under this article.

(c) All permits issued under this article are non-transferable between persons.

(d) An applicant for a permit under this article shall meet the following minimum requirements, to the director's satisfaction.

(1) The applicant shall be at least eighteen (18) years old;

(2) The applicant shall be a citizen of the United States or non-citizen authorized to work in the United States, and shall provide proof required by A.R.S. §41-1080(A);

- (3) The applicant shall not, within five (5) years before the application date, have been convicted of an offense described in article I of this chapter;
- (4) The applicant shall not, within five (5) years before the application date, (a) have voluntarily surrendered any escort-related permit as a result of or while under investigation, (b) have had an escort-related permit or similar permit denied or revoked by a political subdivision of Arizona, or a regulatory board in another United States jurisdiction for an act that occurred in that jurisdiction that would be a violation under this article;
- (5) The applicant shall not be a registered sex offender or required by law to register as a sex offender;
- (6) The applicant shall not, within ten (10) years before the application date, be convicted of prostitution or operating a prostitution enterprise.
- (7) The applicant shall not, within ten (10) years preceding the application date, be convicted of an offense involving sexual misconduct with a child, including sexual abuse, sexual assault, sexual conduct, sexual molestation and sexual exploitation;
- (8) The applicant's record shall be free of all reasons to deny an application under this article and article I of this chapter.
- (e) The director shall issue a duplicate permit to a permit holder whose permit has been lost, stolen or damaged:
  - (1) For free, if the permit is emailed to the permit holder, or
  - (2) Upon receipt of the fee for a duplicate permit, if the permit is mailed to the permit holder.

**Sec. 16-457. Application for escort or escort assistant permit.**

- (a) *Filing.* An applicant for an escort or escort assistant permit shall file an application with the director.
- (b) *Contents—applicant.* The application shall contain the following information about the applicant:
  - (1) The full name, including any aliases and business trade names used by the applicant within five (5) years before the application date.
  - (2) Present residence and business addresses, telephone numbers, email addresses and websites.
  - (3) Each residence and business address for five (5) years before the application date and the inclusive dates of each such address.
  - (4) Height, weight, color of eyes and date of birth.
  - (5) Proof that the applicant is at least eighteen (18) years of age.
  - (6) A complete description of the exact nature of the business to be conducted, including advertising theme and method, employment qualifications and copies of contracts to be used with patrons.
  - (7) Copies of all print and electronic advertisements being used by the applicant.
  - (8) The person or persons who will have custody of the business records.
  - (9) The business, occupation and employment history for three (3) years before the application date.
  - (10) Information whether the applicant has ever been refused any similar license or permit or has had any similar license or permit revoked or suspended, and the reasons therefor.
  - (11) All prior criminal convictions, except minor traffic offenses, within ten (10) years before the application date.
  - (12) Proof that the applicant is a United States citizen or non-citizen authorized to work by the United States government.
  - (13) Valid driver's license from any state in the United States, or United States

- government-issued photo identification.
- (14) Complete fingerprints.
  - (c) *Issuance of permit.* The director shall issue the permit upon the following circumstances:
    - (1) The requirements of article I and this article have been met.
    - (2) The applicant has no license or permit similar to an escort or escort assistant permit revoked or suspended within five (5) years before the application date.
    - (3) The applicant has no outstanding arrest warrants.
    - (d) *Denial of application, notification of applicant.* The director shall deny the permit application if the requirements set forth in subsection (c) of this section have not been met. The director shall notify the applicant of the denial and the reasons therefor.

**Sec. 16-458. Licenses required.**

Escort bureaus conducting business in the city shall obtain and maintain in effect an escort bureau license in conformance with this article.

**Sec. 16-459. Applicability of regulations to existing escort bureaus.**

This article is applicable to all escort bureaus whether or not they were acting as escort bureaus before the effective date of this article. All escort bureaus shall have sixty (60) days from the effective date of this article to comply with this article.

**Sec. 16-460. Licenses generally; minimum requirements.**

- (a) The licenses required by this article are in addition to any other applicable licenses or permits required by the city, county or state. Escort bureaus licensed under this article shall comply with all other applicable ordinances and laws, including the city zoning ordinance.
- (b) All licenses issued under this article shall be for a period of one (1) year after the issuance date, but may be revoked or renewed under this article.
- (c) All licenses issued under this article are non-transferable between persons.
- (d) An applicant for a license, and all the applicant's managers and controlling persons, shall meet the following minimum requirements, to the director's satisfaction.
  - (1) Each person shall be at least eighteen (18) years old;
  - (2) Each person shall be a citizen of the United States or non-citizen authorized to work in the United States, and shall provide proof required by A.R.S. §41-1080(A);
  - (3) Each person shall not, within five (5) years before the application date, have been convicted of an offense described in article I of this chapter;
  - (4) Each person shall not, within five (5) years before the application date, (A) have voluntarily surrendered any license or permit related to an escort bureau as a result of or while under investigation, (B) have had any license or permit related to an escort bureau denied or revoked by a political subdivision of Arizona, or a regulatory board in another United States jurisdiction for an act that occurred in that jurisdiction that would be a violation under this article;
  - (5) Each person shall not be a registered sex offender or required by law to register as a sex offender;
  - (6) Each person shall not, within ten (10) years before the application date, be convicted of an offense involving sexual misconduct with a child, including sexual abuse, sexual assault, sexual conduct, sexual molestation and sexual exploitation;
  - (7) Each person shall not, within ten (10) years before the application date, be convicted of prostitution or operating a prostitution enterprise.

- (8) Each person's record shall be free of all reasons to deny an application under this article and article I of this chapter.
- (e) The director shall issue a duplicate license to a license holder whose license has been lost, stolen or damaged:
  - (1) For free, if the license is emailed to the license holder, or
  - (2) Upon receipt of the fee for a duplicate license, if the license is mailed to the license holder.

**Sec. 16-461. Application for escort bureau license.**

- (a) *Filing.* An applicant for an escort bureau license shall file an application with the director.
- (b) *Contents—applicant.* The application shall contain the following information about the applicant:
  - (1) The full name, including any aliases and business trade names used by the applicant within five (5) years before the application date.
  - (2) Present residence and business street addresses from which the business will be operated, telephone numbers, email addresses and websites. Post office box addresses will not be accepted.
  - (3) Each residence and business address for five (5) years before the application date and the inclusive dates of each such address.
  - (4) Height, weight, color of eyes and date of birth.
  - (5) Proof that the applicant is at least eighteen (18) years of age.
  - (6) A complete description of the exact nature of the business to be conducted, including advertising theme and method, employment qualifications and copies of contracts to be used with patrons.
  - (7) Copies of all print and electronic advertisements being used by the applicant.
  - (8) The person or persons who will have custody of the business records.
  - (9) Agent for service of process.
  - (10) The name and residential addresses of all persons employed by an escort bureau as escorts.
  - (11) The business, occupation and employment history for three (3) years before the application date.
  - (12) Information whether the applicant has ever been refused any similar license or permit or has had any similar license or permit revoked or suspended, and the reasons therefor.
  - (13) All prior criminal convictions, except minor traffic offenses, within ten (10) years before the application date.
  - (14) Proof that the applicant is a United States citizen or non-citizen authorized to work by the United States government.
  - (15) Valid driver's license from any state in the United States, or United States government-issued photo identification.
  - (16) Complete fingerprints.
- (c) *Contents—applicant's managers and controlling persons.* The application shall contain the following information about the applicant's managers and controlling persons:
  - (1) The name, including any aliases, and business trade names.
  - (2) Present residence and business addresses, telephone numbers, email addresses and websites.
  - (3) Each residence and business address for five (5) years before the application date and the inclusive dates of each such address.
  - (4) Proof that each person is at least eighteen (18) years of age.
  - (5) Information whether the manager or controlling person has ever been refused any similar license or permit or has had any similar license or permit revoked or

- suspended, and the reasons therefor.
- (6) All prior criminal convictions, except minor traffic offenses, within five (5) years before the application date.
- (7) Complete fingerprints.
- (8) Proof that the manager and controlling persons are United States citizens or non-citizens authorized to work by the United States government.
- (d) *Issuance of license.* The director shall issue the license upon the following circumstances:
  - (1) The requirements of article I and this article have been met.
  - (2) The applicant and the applicant's managers and controlling persons had no license or permit similar to an escort bureau license revoked or suspended within five (5) years before the application date.
  - (3) The applicant and the applicant's managers and controlling persons have no outstanding arrest warrants.
- (e) *Denial of application, notification of applicant.* The director shall deny the license application if the requirements set forth in subsection (d) of this section have not been met. The director shall notify the applicant of the denial and the reasons therefor.

**Sec. 16-462. Information update.**

Within ten (10) days of the change, an applicant, permit holder or license holder shall provide the director, in writing, changes to the information previously submitted under this chapter. Within ten (10) days of the publication or dissemination of new advertising, the applicant, permit holder or license holder shall provide the director copies of the new advertising.

**Sec. 16-463. Permit and licenses timeframes.**

- (a) *Administrative timeframe.* Unless the permit or license has already been issued, within fifteen (15) days after receiving a permit or license application under this article, the director will determine whether the application is administratively complete, and notify the applicant as set forth in article I.
- (b) *Substantive timeframe.* Within forty-five (45) days after the director notifies the applicant that the application is administratively complete, the city will complete its substantive review of the permit or license application.
- (c) *Overall timeframe.* Within ninety (90) days after receiving an application under this article, the director will grant or deny a permit or license.
- (d) *Withdrawal.* An application is deemed withdrawn if, within thirty (30) days after the date of a request for additional information during the substantive timeframe, the applicant does not supply the information requested or provide justification for delay. On receipt of justification, the director shall allow the applicant thirty (30) additional days to provide the requested information before deeming the application withdrawn.
- (e) Except as otherwise provided, the timeframes in this section shall be extended and suspended as provided by state law.
- (f) The timeframes in this section apply to permit and license renewal.

**Sec. 16-464. Identification cards required.**

All escorts and escort assistants are required to obtain an identification card issued by the director. This card must be carried on the person of an individual while such person is engaged in the activity of an escort or escort assistant within the city. Such identification shall be displayed upon request of any city police officer or any other law enforcement official.

**Sec. 16-465. Fees.**

- (a) The fees related to escorts and escort assistant permits are:

- (1) Escort and escort assistant initial application and late application renewal fee: one hundred dollars (\$100.00).
- (2) New escort and escort assistant permit fee: one hundred dollars (\$100.00).
- (3) Renewal escort and escort assistant permit fee: fifty dollars (\$50.00).
- (4) City fingerprinting fee: ten dollars (\$10.00).
- (5) State fingerprinting processing fee: as set by the Arizona Department of Public Safety.
- (6) Identification card fee: ten dollars (\$10.00).
- (7) Duplicate permit fee, if mailed: ten dollars (\$10.00). There is no fee for a duplicate permit, if sent electronically.
- (b) The fees related to escort bureaus are:
  - (1) Escort bureau initial application and late application renewal fee: one hundred dollars (\$100.00).
  - (2) Annual escort bureau license (new or renewal) fee: one hundred seventy-five dollars (\$175.00).
  - (3) Change in location fee: twenty-five dollars (\$25).
  - (4) City fingerprinting fee: ten dollars (\$10.00).
  - (5) State fingerprinting processing fee: as set by the Arizona Department of Public Safety.
  - (6) Duplicate license fee, if mailed: ten dollars (\$10.00). There is no fee for a duplicate permit, if sent electronically.
- (c) Payment of all applicable fees is due with the application submission.
- (d) No fees are prorated, transferable or refundable, except as provided by state law.

**Sec. 16-466. Renewal.**

(a) An escort or escort assistant permit may be renewed by filing an application for renewal with the director. The permit holder shall also be fingerprinted. The escort or escort assistant shall specify changes that have occurred since the last application. To avoid a lapse in the permit, the permit holder applying for renewal shall file an application, with fingerprints, with the director no later than sixty (60) days before the expiration of the permit currently in effect. If a permit holder applies for renewal later than sixty (60) days before the expiration of the permit currently in effect, an additional non-refundable late application fee will be charged as set forth in this article.

(b) An escort bureau license may be renewed by filing an application for renewal with the director. The license, license holder's manager(s) and controlling persons shall also be fingerprinted. The escort bureau shall specify changes that have occurred since the last application. To avoid a lapse in the license, the license holder applying for renewal shall file an application, with fingerprints, with the director no later than sixty (60) days before the expiration of the license currently in effect. If a license holder applies for renewal later than sixty (60) days before the expiration of the license currently in effect, an additional non-refundable late application fee will be charged as set forth in this article.

**Sec. 16-467. Change in location.**

(a) A change in location of a licensed escort bureau is subject to the director's approval, before transacting business at the new location. The director shall approve a change in location upon:

- (1) Completion of an application for a change in location;
- (2) Compliance with this article and all other city ordinances; and
- (3) Payment of the change in location fee to the director.

(b) To assure continued operation of the business without a lapse in the license, a license holder applying for a change in location shall file the application with the director within thirty (30) days of the change.

**Sec. 16-468. Revocation.**

In addition to the grounds stated in article I of this chapter, a permit or license issued pursuant to this article shall be revoked, in accordance with the procedures set forth in article I, upon a finding that the permit holder or license holder has:

- (1) Violated any provisions of this article.
- (2) Acted or advertised as an escort under a name other than the name on the permit.
- (3) Published or disseminated to any person any false or misleading information in connection with being an escort.

**Sec. 16-469. Records required.**

(a) Every escort and escort assistant shall maintain, on city-approved forms, a complete legible written record of every transaction whereby the permit holder acted as an escort or escort assistant. The record shall show the date and hours of each transaction, the location(s) where the escort and patron went, the job capacity of the escort assistant (as applicable), and the name and telephone number of the patron(s) for whom the permit holder acted as an escort or escort assistant.

(b) Every escort bureau shall maintain, on city-approved forms, a complete legible written record of the following information regarding each employee: name, including any aliases, address, telephone numbers, job title and job description.

(c) Every escort, escort assistant and escort bureau shall maintain a copy of all advertisements used to attract patrons.

(d) Every escort bureau and escort assistant shall:

- (1) Assist only escorts who have current escort permits issued by the director.
- (2) Maintain a current list of all escorts assisted by the escort bureau or escort assistant, showing the name and current address of each.
- (3) Maintain a complete legible written record of which escort is involved in each transaction listed under subsection (a) above.

(e) The records required by this section shall be kept available and open for inspection by the director, chief of police or their authorized representatives, upon request.

(f) Each record required by this section shall be kept at least one (1) year after its creation.

(g) The escort shall provide to each patron a written contract and receipt of payment for services. The contract shall clearly state the type of services to be performed, the length of time such services shall be performed, the total amount of money such services shall cost the patron, and any special terms or conditions relating to the services to be performed.

**Sec. 16-470. Advertisements.**

All advertisements used by an escort, escort assistant or escort bureau, and likely to be seen by Scottsdale residents, shall contain the Scottsdale permit or license number of the permit or license holder.

**Sec. 16-471. Prohibited activities.**

(a) It shall be unlawful for a permit holder to provide an escort to individuals under eighteen (18) years of age unless written and notarized authorization by a parent or legal guardian is given to the escort before the services are rendered.

(b) It shall be unlawful for a person to provide the services of an escort or escort assistant without a permit issued under this article.

(c) It shall be unlawful for an escort bureau to furnish an escort without a license issued under this article.

(d) It shall be unlawful for an escort to provide sexual services to a patron.



(e) It shall be unlawful for an escort assistant to allow an escort to provide sexual services to a patron.

(f) It shall be unlawful for an escort to grope the clothing covering a patron's genitals, or the clothing covering the breasts of a female patron.

(g) It shall be unlawful for an escort to touch himself or herself, or ask a patron to touch himself or herself, on the genitals, buttocks or breasts (of a female patron).

(h) It shall be unlawful for an escort to request that a patron take off his or her clothing.

**Sec. 16-472. Penalty.**

(a) In addition to any other remedies presented in this article, a person who is convicted of a violation of section 16-471 of this article shall be guilty of a class 1 misdemeanor.

(1) A person who is convicted of a first violation of section 16-471 of this article shall be sentenced to serve at least fifteen consecutive days in jail, and is not eligible for probation or suspension of execution of sentence until the entire sentence is served.

(2) A person who is convicted of a second violation of section 16-471 of this article shall be sentenced to serve at least thirty consecutive days in jail, and is not eligible for probation or suspension of execution of sentence until the entire sentence is served.

(3) A person who is convicted of a third violation of section 16-471 of this article shall be sentenced to serve at least sixty consecutive days in jail, is not eligible for probation or suspension of execution of sentence until the entire sentence is served and shall complete an appropriate court ordered education or treatment program.

(b) In addition to any other remedies presented in this article, a person who is convicted of any other violation of this article shall be guilty of a class 2 misdemeanor, with a minimum fine of two hundred dollars (\$200).

(c) Revocation of a permit shall not be a defense against prosecution.